

## ARTICLE VI: GENERAL PROVISIONS

### Section 6.01 - The Effect of Zoning

1. In order to carry out the intent of this Ordinance, no excavation, use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.
2. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance per se and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
3. In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion. If said construction is continued for more than one (1) year, the legal status of the activity, use, building or structure shall be determined by the Township Planning Commission.

### Section 6.02 – Nonconformities

1. The lawful use of any building, or land at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of the Ordinance, except as otherwise provided for in this section. A non-conforming building may not be reconstructed or structurally altered during its life, unless said building is changed to conforming use, or the alteration does not increase the extent or degree of the non-conformity.
2. If a nonconforming structure is damaged by fire or natural causes, to the extent that the cost of repairs will exceed more than 2/3 or 67 percent of the replacement cost of the entire nonconforming structure prior to the damage or destruction as determined by the Township Assessor or other qualified individual as designated by the Township, then the structure may only be repaired or rebuilt in conformity with the provisions of this Ordinance. A building damaged by fire or natural causes, to the extent of less than 2/3 or 67 percent of its replacement cost, of the entire nonconforming structure prior to the damage or destruction as determined by the Township Assessor or other qualified individual as designated by the Township, may be repaired or rebuilt to the pre-damaged size and dimensions.
3. If a non-conforming structure is voluntarily altered in a manner to the extent that the costs of alterations/repairs will exceed 1/3 or 33 percent of the replacement cost of the entire nonconforming structure prior to the damage or destruction as determined by the

Township Assessor or other qualified individual as designated by the Township, then the structure must comply with all provisions of the Zoning Ordinance.

4. Reconstruction of building(s) and/or structures on an existing non-conforming lot may be permitted, with a zoning permit, after applying for and receiving any necessary variances from the Zoning Board of Appeals.

#### **6.02.1 Abandonment of Nonconforming Use or Structure**

If a property owner has intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use or structure, the zoning administrator shall consider the following factors:

1. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the nonconforming use have been removed.
4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the construction of which shall have been diligently prosecuted within thirty (30) days after the passage of this Ordinance, and the construction of which shall have been completed within twelve (12) months after said date.

#### **Section 6.03 – Essential Services Clause Pertaining to Utilities**

1. The erection, construction, alteration, maintenance, and operation by utilities or municipal departments or commission, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, hydrants, structures, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission, or for the public health or safety or general welfare, shall be permitted as authorized or regulated by any laws and the ordinances of the Township of Burt in any Use District.
2. Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

**Section 6.04 - Accessory Buildings and Structures**

1. An accessory building connected to the principal building by a shared wall shall be considered part of the principal building.
2. Where any accessory building is attached to a principal building, other than by a shared wall, such accessory building shall not be considered part of the principal building.
3. A detached accessory building shall be located no closer to a side or rear lot line than the permitted distance for the principal structure on the same lot.
4. Mobile homes shall not be used as an accessory building.

**6.04.1 Accessory Buildings on Property with Principal Use**

<b>Zoning District</b>	<b># of Accessory Buildings</b>	<b>Accessory Building Max Height</b>	<b>Max Size</b>
WR	1 (a)	12' (eaves)	1,200 sf
All Others	1(a)	14' (eaves)	1,800 sf

- (a) A second accessory building or a single accessory building not exceeding 1.5 times the maximum size as shown in the above table may be approved on lot sizes exceeding 60,000 sq. ft. provided all structures are in compliance with the district setback requirements and a minimum distance of twenty (20) feet is required between structures.

**6.04.2 – Accessory Building as a Principal Use, except in Waterfront Residential District**

1. One (1) accessory building as a Principal Use shall be allowed per lot in all districts EXCEPT Waterfront Residential, provided the subject lot is a conforming lot (see Section 3.09) and the proposed accessory building meets the following dimensional requirements:
  - A. Setbacks:
    - 1) Front and Rear One hundred fifty (150) feet
    - 2) Side Fifty (50) feet
  - B. Maximum height – 14' to eave
  - C. Maximum size – 1800 sq. ft.
2. Additional accessory buildings shall be allowed, provided the following standards are met: An additional accessory building shall be approved, if the parcel is of a size that the ratio of accessory buildings to acres will not exceed one accessory building per ten acres; all structures shall comply with the accessory building setback, height and size requirements of Section 6.04.2.1A; and shall have a minimum distance of twenty (20) feet between structures. No more than four (4) accessory structures shall be allowed on any parcel.

### **6.04.3 – Additional Permitted Accessory Structures**

1. One shed, 200 s.f. or less shall be allowed, in addition to other accessory building(s) permitted per Section 6.04.1 or 6.04.2.
2. Pump Houses, not to exceed 3' width x 4' length x 4' height, are permitted in front (lakefront) setback, and is allowed in addition to the other accessory buildings permitted per Section 6.04.1.
3. A fire area, defined as a fire pit and surrounding buffer zone, shall be permitted in any residential district in compliance with required district setbacks, except on waterfront parcels. Such fire areas shall also be permitted within the front (lakefront) setback. In the lakefront setback, fire area shall be limited to a total footprint of no more than sixty four (64) square feet, and buffer zone shall be totally permeable surface. The fire pit shall not exceed nine (9) square feet. The fire area shall not exceed a height of one (1) foot above finished grade.

### **Section 6.05 - Substandard Dwelling Occupancy during the Construction of a Dwelling**

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator beginning with the date of issuance of the zoning permit. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.
3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by District Health Department, and shall precede occupancy of the substandard dwelling.
4. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify that he or she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
5. No annexes shall be added to temporary substandard dwellings.

## **Section 6.06 - Recreational units**

Temporary uses of tents, campers, travel trailers or motor homes may be permitted, except in the Waterfront Residential District (WR), for periods of 180 days, each period requiring a permit from the Zoning Administrator who will determine that the use is consistent with the provisions of this Ordinance and will not be detrimental to any surrounding uses or properties. The following requirements must be met for issuance of a permit:

1. Such temporary uses must observe the seventy-five (75) feet waterfront setback from the water's edge of any river, stream, pond or lake, which is identifiable on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County.
2. Such temporary use must have a District Health Department approved method of sewage and waste disposal.

## **Section 6.07 - Mobile Homes**

1. Newly sited mobile homes located on individual lots shall meet the standards yard setbacks, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:
  - A. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
  - B. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974, as amended.
  - C. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
  - D. Mobile homes shall not be used as an accessory building.
2. Replacement of lawfully existing non-conforming mobile homes shall be allowed provided the replacement would improve the property, would not increase the structure or uses non-conformity and shall meet the following additional standards:
  - A. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
  - B. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974.
  - C. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
  - D. Mobile homes shall not be used as an accessory building.

## **Section 6.08 - Guest Houses**

The construction and maintenance of guesthouses shall be permitted under the following conditions:

1. A Guest House cannot be used other than by the single family occupying the primary residence or their guests. The Guest House cannot be occupied by more than six (6) people at one time and cannot exceed 1200 sq. ft. nor a maximum lot coverage by all structures of more than twenty (20%) percent. The Guest House may not be rented separately from the primary residence under any circumstances nor allowed to be occupied for more than twelve (12) cumulative weeks per year unless the Township Zoning Administrator grants occupancy beyond twelve weeks upon a finding that the standards contained in subsection 2 below have been met. Guest Houses shall not be permitted on non-conforming lots.
2. The Township Zoning Administrator in reviewing a written request to allow occupancy beyond twelve (12) weeks shall use the following criteria in making a determination whether to grant or deny permission:
  - A. Whether the extension is for the number of people occupying the property of four (4) or less;
  - B. Whether the extension is made in the event of the need for longer term custodial care for example of an elderly parent, relative or person;
  - C. Whether the extension is because an event has occurred in which the people occupying the property had their own primary residence severely damaged or destroyed and were in the process of demolition or restoring.
3. A Guest House shall require an issuance of an occupancy permit by the Cheboygan County Building Department, together with a certification that the same is properly connected to an approved septic system by the appropriate State of Michigan District Health Department.

## **Section 6.09 - Home Business**

While Burt Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance, which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

1. **Home Occupations**
  - A. Home occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right.
  - B. Home Occupations shall be operated in their entirety within the dwelling or within an attached garage and shall occupy no more than twenty-five percent (25%) of the dwelling's ground floor area.
  - C. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one (1) non-resident person shall be employed to assist with the business.
  - D. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling

and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.

- E. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
- F. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
- G. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
- H. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation.
- I. There shall be no parking permitted within any setback areas.
- J. No process, chemicals, or materials shall be used which are contrary to an applicable state or federal laws.

## 2. Cottage Industries

- A. Cottage industries may be permitted either by right or special use permit, as specified in the zoning district regulations. Cottage industries shall be allowed on the basis of individual merit; a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
- B. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. Any exterior evidence of such industry shall be screened (per subsection D).
- C. A cottage industry shall occupy not more than one building. The floor area of such buildings shall not exceed the allowable accessory building size per Section 6.04.1.
- D. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the Planning Commission shall determine the type of screening to ensure compatibility with surrounding property uses.
- E. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.
- F. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.

- G. Cottage industries shall be conducted only by the person or persons residing on the premises. Up to two additional employees or assistants shall be allowed.
- H. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
- I. Hours of operation shall be approved by the Planning Commission.

**3. Termination, Extensions, Revisions, and Inspections**

- A. Upon written application by the owner, the Planning Commission may, for just cause, grant time extension for compliance with the conditions of this section.
- B. Any home business (home occupation or cottage industry) shall be subject to periodic review by the Zoning Administrator.
- C. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to special use review and approval by the Planning Commission.

**Section 6.10 - Lake Access Lots – Public and Private**

**6.10.1 Public Lake Access Lots**

No permanent or temporary building, tent, dock or boat hoist, or any other type of structure shall be permitted on any publicly owned waterfront property. No camping shall be permitted.

**6.10.2 Private Lake Access Lots Management** [for sites established prior to the effective date of this ordinance, October 20, 2006]

A private lake access lot shall be used only for ingress and egress to and from the lake. No permanent or temporary building, tent, travel trailer and camper, dock, watercraft hoist for a boat or other type of craft, offshore overnight anchorages or moorings, raft, or any type of structure shall be permitted. No camping shall be permitted. In keeping with the following procedures, all exceptions shall require registration and a license issued by the Burt Township Zoning Board of Appeals:

- 1. Effective with installation commencing March 1, 2005, all owners of a private lake access lot are required to register any docks, watercraft hoists, offshore overnight anchorages or moorings, rafts, or any type of structure and to secure a license for same.
- 2. The registration and application for license shall be on a form provided by the Zoning Administrator and shall include the length and width of any dock, the number and location of any watercraft hoists, together with the approximate location of any offshore floating overnight anchorages or moorings, rafts, or any type of structure.
- 3. After review and approval by the Zoning Board of Appeals, the Township Clerk shall issue a license at no charge for the installation and reasonable maintenance of said docks, watercraft hoists, offshore overnight anchorages or moorings, rafts, or any type of structure. Every five (5) years dating from the issuance of a license, all licensees shall be required to submit a notarized statement to the Zoning Administrator certifying that all terms of the license continue to be fulfilled; to keep records updated, a diagram shall be

included showing the configuration of the dock(s) and the placement of all watercraft hoists, offshore overnight anchorages or moorings, rafts and type of structure.

4. If at any time after a license is issued the licensee(s) wishes to change the configuration of the dock(s) or expand allowed uses including the installation of anything not permitted by the license, before doing so they shall be required to apply to the Zoning Board of Appeals for approval of such changes.
5. The decision to issue a license shall not be a determination of any property right that one person may have over another in a case of the dispute between parties as to a priority in claims or objections to the issuance of a license. That matter shall be a property right for a determination by the appropriate Court of jurisdiction, and neither the Township nor the Zoning Board of Appeals shall make any determination as to priority rights between competing landowners.
6. The Zoning Board of Appeals in making a decision on the issuance or non-issuance of a license shall be governed by the general principles of appropriate zoning, the same as applicable to appeals to the Zoning Board of Appeals. The decision of the Zoning Board of Appeals shall be final and appeal able to the Circuit Court.
7. The failure to register and secure a license or the violation of the terms of a license including but not limited to the installation of anything not permitted by the license shall be considered a violation of the Zoning Ordinance and subject to the penalties and injunctive relief provided by law and may also result in the revocation of any issued license upon written notice to the licensee(s).

**6.10.3 Standards for Establishing Private Shared Lake Access** [for sites established after the effective date of this Ordinance, October 20, 2006.]

In order to restrict the number of users of lake frontage for the purpose of preserving the quality of Burt Lake, avoiding congestion and preserving the quality of the recreational use of Burt Lake, the owner of a waterfront lot abutting Burt Lake may provide legal access to the lake for nonwaterfront dwelling units only if all of the requirements of this section are met.

The requirements herein shall apply regardless of whether access to Burt Lake is gained by easement, common or joint fee ownership, single fee ownership, short or long term lease, license, site condominium unit, or any other means. All private shared lake accesses (regardless of district) shall conform to the area and dimensional requirements of the applicable district per Section 3.09 Schedule of Regulations, and the following frontage requirements:

Number of Nonwaterfront dwellings with lake access through a single parcel	Total Lake Frontage required
1	200
2	300
3	350
4	400
5	450
6+*	*

\* For each additional nonwaterfront dwelling unit with legal access to Burt Lake, above 5 units,

the required lake frontage shall be increased by an additional 50 feet. If there is a conflict between the schedule of regulations and requirements of this section, the more restrictive regulation shall apply.

1. Site Plan approval is required by the Planning Commission, pursuant to **Article IV**, and the following additional information shall be included in the site plan:
  - A. The specific uses permitted on the private shared lake access area, the locations of those uses, and all conditions that must be met to entitle one to such uses.
  - B. The dimensions and calculations showing compliance with all requirements of this section.
  - C. Proposed location of docks or other waterfront structures.
2. A waterfront lot providing legal access for non-waterfront dwelling units shall have lake frontage, as measured along the ordinary high water mark, in the amount specified in the table above.
3. No parking shall be permitted within the front yard setback for the private shared lake access areas.
4. Only one boat slip, mooring, boat hoist or any other means of anchorage shall be permitted for every approved nonwaterfront dwelling with lake access, and one for the waterfront lot.
5. Only one dock shall be permitted for every two hundred (200) feet of lake frontage.
6. No boat launch facilities shall be permitted on private shared access property.
7. No clubhouse shall be permitted on private shared access property.
8. The Planning Commission shall approve, disapprove or approve with conditions the site plan based upon the standards within **Section 4.03**, and the following additional standard:
  - A. The proposed private shared lake access shall not cause injury or create a nuisance, including noise, to owners or riparian, adjacent and nearby lands.
9. The owner of the nonwaterfront dwelling unit accessing Burt Lake shall prepare an instrument establishing the creation of the legal access to Burt Lake, whether granted by easement, common or joint fee ownership, single fee ownership, short or long term lease, license, site condominium unit, or any other means, shall record the instrument in the Cheboygan County Register of Deed's office and shall file a recorded copy with the Zoning Administrator.

### **Section 6.11 – Boat Docks**

One boat dock per parcel shall be permitted on properties with up to 200 feet of lake frontage. For each additional 200 feet of lake frontage, the property owner shall be permitted one additional dock.

### **Section 6.12 – Waterfront Setback**

To preserve natural resources, water quality and community scenic and recreational values, a waterfront setback shall be established and maintained on all waterfront property. The setback area shall include all the land area located within seventy five (75) feet of the ordinary high

water mark of a lake or a stream abutting or traversing the property in question. Within the waterfront setback, the following development or use restrictions shall apply:

1. No principal use structures or accessory structures shall be allowed except for steps meeting the side yard setback for the district in which they are located. Satellite dishes and television antennae are not considered accessory structures and thus are not subject to this regulation.
2. No dredging or filling shall be allowed except where permitted by state or federal law, with appropriate permits.
3. The use of asphalt, concrete, stone, aggregate, pavement of any sort, wood or other similar surfaces shall be limited to a single walkway no more than four feet in width or stairs necessary for water access. Handrails along stairs are permitted.
4. Within twenty-five (25) feet of the ordinary high water mark, a natural vegetation strip shall be established or maintained on a least seventy percent (70%) of the lake or stream frontage for any new construction or any renovation that results in an increase of the structure footprint by five hundred (500) square feet or greater. Once installed or established (either as required or voluntarily), the natural vegetation strip may be modified in accordance with the requirements, but shall not be removed. The natural vegetation strip shall be installed within 2 years of issuance of the zoning permit. The natural vegetation strip shall consist of trees, shrubs or herbaceous plants, excluding lawn. The establishment of a natural vegetation strip is encouraged, but not required for the construction of an accessory building.
5. The use of pesticides, herbicides and fertilizers is prohibited in the natural vegetation strip (per item 4 above) or within twenty-five feet of ordinary high water mark for Burt Lake, except for the allowed limited use of herbicides for the eradication of poison ivy, poison sumac or poison oak. Fertilizer used in the waterfront setback (75 feet), shall be zero phosphorus fertilizers.
6. Neither septic tanks nor septic system filtration fields may be located within the waterfront setback.
7. The waterfront setback and natural vegetation strip shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage lot.
8. Dock and yard lighting shall be discouraged. All lighting shall be shielded and directed so as to prevent light and glare on adjoining properties or into the night sky.

### **Section 6.13 – Fences, Walls and Hedges**

1. Notwithstanding other provisions in this Ordinance, fences, walls, or hedges may be permitted on any property in any District, provided that no fence or wall exceed a height of six (6) feet and shall be no closer than five (5) feet to the front property line or road right of way except provided below. Further provided such fence, wall or hedge shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. Fences shall be setback two (2) feet from the side or rear property line, unless an agreement signed by both property owners is provided, shall the fence be allowed to be placed on the property line.

2. Where a lot borders a lake fencing shall not be constructed on the waterfront side within the required seventy-five (75) foot waterfront setback.
3. Barrier fences containing barbed wire, electric charges or sharp materials at the top of a fence or wall less than six (6) feet in height are prohibited except for properties in agricultural use or unless needed to protect the public safety and approved by the Planning Commission.
4. Notwithstanding the height limitations for fences and walls set forth in paragraph 1 of this section 6.13, an obscuring wall or fence shall be permitted to be eight (8) feet high, or a hedge of a minimum of eight (8) feet high, shall be required to screen open storage yards or areas used for the storage of salvage materials.
5. No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.
6. No gate, when fully extended, shall encroach on any neighboring property or road right of way.
7. Finished side of fence shall face neighboring property.

#### **Section 6.14 - Signs and Billboards**

The sign and billboard standards contained in this ordinance are declared necessary to protect the general health, peace, safety and welfare of the citizens of Burt Township and are based on the following objectives:

1. To avoid excessive property and use signing in order to give each use optimum visibility to passer-by traffic and if possible, to prevent one sign from blocking the view of another sign.
2. To place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized.
3. To protect the character of Burt Township.

#### **Section 6.14.1 – Signs Not Requiring a Sign Permit:**

The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:

1. One (1) identification sign per use, not exceeding four (4) square feet of sign surface.
2. Street name signs, route markers and other traffic control signs erected or approved by state, county or village agencies when necessary to give proper directions or to otherwise safeguard the public.
3. Non-advertising signs erected by any organization, person, firm or corporation that is

needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.

4. Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional messages), provided the sign surface does not exceed the maximum size of two (2) square feet.
5. Non-advertising signs marking a historically significant place, building or area when sanctioned by a national, state or local historic organization recognized by the planning commission, provided the sign surface does not exceed the maximum allowed size of sixteen (16) square feet or the max size allowed in the zoning district whichever is less.
6. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
7. Temporary real estate signs, not exceeding six (6) square feet, on individual lots advertising a premise for sale or rent.
8. Signs advertising sales such as garage, estate, auction, moving, and yard sales, may be posted for no more than seven (7) consecutive days and removed within twenty-four (24) hours of the end of the sale, provided the sign surface does not exceed the maximum size limitations of four (4)square feet.
9. Political and noncommercial signs provided the sign surface does not exceed the maximum size limitations of subsection 6.14.2. below. Political signs shall be removed within seven (7) days after the election or ballot issue.
10. All real estate signs, both on-premise and off-premise, shall be removed within seven (7) days of the sale or rental of the property

#### **Section 6.14.2 – Signs Requiring a Permit**

1. No sign, except residential nameplates, and those signs specifically identified in Section 6.14.1, shall be erected or altered until approved by the Planning Commission and an authorization permit issued by the Zoning Administrator.
2. Illuminated signs shall not be of the flashing or intermittent type unless approved by the Planning Commission.
3. Where a business use or tourist facility in Burt Township is not located directly on a major tourist route, but is dependent upon passer-by traffic for support, one (1) off-the-premises directory sign may be permitted in non-business districts. Said sign shall not exceed fifteen (15) square feet, and is subject to review and approval by the Planning Commission.
4. One on-premise sign for advertising of premises for rent, lease, and/or sale shall be permitted in all districts. Any such sign to exceed six (6) square feet shall require approval by the Planning Commission.

5. Directional signs required for the purpose of orientation by the Township, County, State or Federal Governments, shall be permitted in all Districts.
6. No sign shall be permitted that is affixed to trees, rocks, shrubs, or similar natural features, except no hunting or no trespassing signs. Any sign which is insecurely fixed, unclean, in need of repair, or initiates official traffic control devices shall be prohibited.
7. No sign, except those established and maintained by the Township, County, State or Federal Governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
8. In Commercial Districts, one (1) free standing and one (1) wall sign are permitted for each use. The wall sign must be attached to the building and parallel therewith. The following requirements shall be met:
  - A. The total area of the permitted free standing sign shall not exceed thirty-two (32) square feet unless otherwise provided in this Ordinance; and free standing signs shall not exceed twenty (20) feet in height.
  - B. The total area of wall signs shall not exceed thirty-two (32) square feet per business.

### **Section 6.14.3 – Billboards**

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Billboard regulations address the location, size, height and related characteristics of such signs.

Billboards may be established only in the Commercial and Industrial zoning district located adjacent to Interstate 75 (I-75) provided that they meet the following conditions:

1. Not more than three (3) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Burt Township where the particular street or highway extends beyond such boundaries. Double faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection below.
2. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.
3. No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.

4. No billboard shall be located closer than seventy-five (75) feet from a property line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located. (A community could also limit it to the setback of a principal structure in the zoning district.)
5. The surface display area of any side of a billboard may not exceed seventy-two (72) sq. feet
6. The height of a billboard shall not exceed thirty (30) feet above the elevation of the centerline of the abutting roadway.
7. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
8. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
9. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continues readability of message.
10. A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall in addition to complying with the above condition, also comply with all applicable provisions of said Act and the regulations promulgated hereunder, as such may from time to time be amended.
11. No person, firm or corporation shall erect a billboard within Burt Township without first obtaining a permit from the Burt Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this ordinance and payment of a fee. Permits shall be issued for a period of one year, but shall be renewable annually upon inspection of the billboard by the Burt Township Zoning Administrator confirming continued compliance with this ordinance and payment of the billboard permit fee. The amount of the billboard permit fee required hereunder shall be established by resolution of the Burt Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Burt Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

### **Section 6.15 - Outdoor Lighting**

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

### **Section 6.16 - Junk**

Section 6.16(a). **Junk:** The outdoor accumulation and storage or other placement of junk presents an unsightly and unattractive appearance, or creates a health and safety hazard, or discourages adjoining property owners from improving their property, or threatens property values, or diminishes the quality of the community. The purpose of these regulations is to limit and control the outdoor accumulation and storage or other placement of junk and thereby protect the general welfare of the community.

Junk shall be stored, placed or otherwise located only within a completely enclosed building. Junk located outside a completely enclosed building shall be disposed of within thirty (30) days.

Section 6.16(b). **Rubbish, litter, garbage, refuse:** Rubbish, litter, garbage or refuse located outside a completely enclosed building shall be disposed of within ten (10) days. **Leaves, grass clippings, tree and plant trimmings shall not be placed in county road maintained ditches.**

#### **6.16.1 Vehicles and Watercraft**

Outdoor storage and accumulation of junk watercraft or vehicles (dismantled, non-operating and/or unlicensed watercraft, automobile, snowmobile, motorcycles, riding mower, tractor, and boat), unused vehicles and dilapidated non-operating motor vehicles detrimental to the general welfare of the community shall be prohibited. Such accumulation presents an unsightly and unattractive appearance, create a health and safety hazard, discourage adjoining property owners from improving their property, threaten property values and diminish the quality of the community. The purpose of these regulations is to limit and control such outdoors accumulation and storage and thereby protect the general welfare of the community. No person, firm or corporation shall store, place or permit to be stored or placed, or allowed to remain on any parcel of land for a period of more than thirty (30) days in any one year, a dismantled, partially dismantled and inoperable or unlicensed and inoperable motor vehicle, unless kept in a wholly enclosed structure or unless a variance has been first obtained from the Board of Appeals. Such variance shall be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected, and where the spirit and purpose of these regulations is still observed.

### **Section 6.17 - Animals**

1. The keeping of poultry, pigs, horses or other such livestock is allowed in the Rural Residential-Agricultural or General Residential Districts provided the parcel of land is five (5) acres or greater in size.
2. In a General Residential District, such animals or animal waste shall not be kept closer than seventy-five (75) feet from a neighboring residential structure. In all districts, such animals shall be fenced, managed, and the animal waste shall be managed in

accordance with Generally Accepted Agricultural Management Practice Standards (GAAMPS), so as not to be a nuisance.

3. The keeping of exotic, wild or vicious animals is not permitted in Burt Township.

### **Section 6.18 - Antenna Co-location on an Existing Tower or Structure**

1. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

### **Section 6.19 - Off-Street Loading and Unloading**

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on-the-lot space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated streets or alleys.

### **Section 6.20 - Parking Requirements**

There shall be provided in all Districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.

1. Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
2. Any area once designated as requiring off-street parking spaces where operating hours of uses do not overlap, the Planning Commission may grant an exception by reducing the number of spaces required. Any area designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
3. In the instance of dual function of off-street parking spaces where operating hours of uses overlap, the Planning Commission may grant an exception by reducing the total number of spaces required.
4. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.
5. Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport or combination thereof.

6. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use, which the Planning Commission considers as being similar in type.
7. The minimum number of off-street parking spaces by use shall be in accordance with the following schedule:

**6.20.1 Minimum Parking Spaces Required Per Land Use Unit of Measure**

1. Residential
  - A. Dwellings: One-Family 2 per dwelling
  - B. Two-Family 2 per each dwelling
  - C. Multiple Family 2 per dwelling unit
  - D. Bed and Breakfast facility 1 per 2 occupants of max. capacity plus two
  - E. Rooming House 1 per 2 occupants of maximum capacity
  
2. Institutional and Public
  - A. Church or Temple 1 per 3 seats or each 6 feet of pew
  - B. Membership Clubs 1 per 3 persons or legal capacity
  - C. Golf, Swim or Tennis Club 1 per 2 member families
  
3. Commercial
  - A. Planned Shopping Center 1 per 100 square feet of floor area
  - B. Barber or Beauty Shop 1 per employee plus 1 per service chair
  - C. Doctor or Dentist Office 1 per 50 sq. ft. of waiting room plus 1 per service chair
  - D. Business Office 1 per 200 sq. ft.
  - E. Restaurants 1 per 3 persons of seating capacity, plus auto stalls if drive-in type
  - F. Furniture, appliances, plumber, electronics, minor repair services 1 per 800 sq. ft. of floor area
  - G. Gasoline Station 2 per service stall, plus 1 per employee
  - H. Laundromat 1 per 3 machines for washing
  - I. Hotel or Motel 1 per rental unit, plus 1 per employee
  - J. Retail Groceries 1 per 100 sq. ft. of floor area
  - K. Other Retail Stores 1 per 150 sq. ft. of floor area

Notes:

- (1) 1 per unit of measure shall be interpreted to mean 1 per each unit, as 1 per “each” 3 persons
- (2) Space requirements are cumulative; hence, a golf, swim, or tennis club may require parking for activity use as well as restaurant or bar use.
- (3) Employees refer to all permanent staff and part-time equivalent.
- (4) Legal capacity is the occupancy load as permitted by fire and health standards.

**Section 6.21 Private Road Construction Standards**

1. All private roads constructed in Burt Township shall be constructed in a good and workmanlike manner upon and parallel to the centerline of a permanent right-of-way easement duly recorded with the Cheboygan County Register of Deeds. Such easements shall meet the following requirements:

- A. The permanent right-of-way easement shall at a minimum be forty (40) feet in width unless additional right-of-way is required for adequate construction. Note: The amount of right-of way to be cleared need not be greater than that dictated by the number of lots served, utility placement and public safety.
  - B. Single access private roads in excess of one half (1/2) mile shall be required to provide a cul-de-sac with a minimum sixty (60) foot radius of right-of-way and a minimum fifty (50) foot radius road surface.
  - C. The right-of-way easement width on curved portions of roads shall be the same as for tangent portions.
2. Roads shall be constructed in a manner to sufficiently control storm water runoff and permit effective storm water drainage and prevent soil erosion.
  3. Soil erosion control measures shall be applied in accord with the requirements of the Cheboygan County Soil Erosion and Sedimentation Control Program and the County Stormwater Ordinance.
  4. Roads shall be laid out to the greatest extent feasible to achieve the following objectives: (Listed below in order of priority, as it is recognized that some may conflict with others on any given site).
    - A. On soils not classified as "hydric" (wetland soils) by the USDA Soil Conservation Service.
    - B. Along fence rows or the edges of the open fields adjacent to any woodlands (to reduce impact upon agriculture or forestry uses and shelter from winter winds, and to enable new construction to be visually absorbed by natural landscape features).
    - C. On areas not considered prime farmland soils or in areas considered as important timberland soils on a national or regional basis.
    - D. In locations least likely to impact scenic vistas, as seen from public roads.
  5. All private roads shall have names approved by the Township Board and accepted by the Cheboygan County Numbering System and Cheboygan County Road Commission.
  6. Identification signs shall be required for private roads and shall be similar in design to those identifying public roads in the township. In addition to road identification, private road signs shall also include the wording "PRIVATE ROAD" in a minimum of four (4) inch high letters and "NOT MAINTAINED BY CHEBOYGAN COUNTY ROAD COMMISSION" in a minimum of two (2) inch high letters.
  7. All private roads servicing or to serve four (4) or more lots shall have a road maintenance agreement and/or deed restrictions which provides for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the several interests involved. These documents shall contain the following provisions:
    - A. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
    - B. A workable method of apportioning the costs of maintenance and improvements.
    - C. Contain provisions that the owners of any and all of the property using the easement shall refrain from prohibiting, restricting, limiting or in any manner

interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, tradesmen and others bound to or returning from any of the properties having a right to use the road. Provisions shall be included to allow ingress and egress of emergency and other public vehicles for whatever public services are necessary.

- D. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in this Ordinance and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of 25% for out-of-pocket costs.
  - E. A notice that except for the above, no public funds of Burt Township are to be used to build, repair or maintain the private road.
8. When feasible, the maximum grade of any portion of any private road shall not exceed seven (7%) percent.
9. The maximum grade of any portion of driveways connecting a building envelope located on a lot to a public road or private road shall not exceed ten (10%) percent, when feasible.
10. A private road serving a maximum of six (6) lots shall at a minimum meet the following design standards:
- A. Have a sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches in depth shall be at a minimum road grade gravel;
  - B. Have a roadbed not less than sixteen (16) feet wide;
  - C. Be constructed over adequate culverts where necessary;
  - D. Ditches shall be installed along the roadway, as necessary.
11. A private road serving seven (7) or more lots, parcels, or site condominiums shall meet design specifications and road construction standards as outlined in the Cheboygan County Road Commission road construction requirements and specifications with the following exceptions:
- A. On the Typical Road Cross Section:
    - 1) Minimum finished grade width shall be nineteen (19) feet;
    - 2) Minimum road surface width shall be eighteen (18) feet;
    - 3) The minimum Gravel Base width shall be nineteen feet (19) feet;
    - 4) Gravel shoulders are not required but the road surface shall be flush with the shoulder elevation;
    - 5) In situations where the proposed road grade does exceed three (3%) percent the Planning Commission may require a bituminous surface and require a sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches in depth shall at a minimum be road grade gravel.
12. No more than twenty-five (25) lots or site condominium units may gain access to a single private road. Where more than twenty-five lots are served, the road shall be a paved public road built to full Cheboygan County Road Commission standards.

13. Zoning permits for the construction of dwelling units on lots or site condominium units serviced by a private road shall not be issued until the road servicing the lot or site condominium unit is completed as per the appropriate above standards.
14. All proposed private road intersections shall be designed to provide adequate sight distances for corners, minimum stopping, and minimum vertical curve length.

### **Section 6.22 Commercial Timber Cut**

1. A commercial timber cut shall maintain a minimum fifty (50) foot buffer from all water bodies, including streams and intermittent streams.
2. Activities associated with a commercial timber cut shall be conducted within the following hours: Monday through Saturday, 7:00 am to 8:00 pm.
3. A Timber Harvest Plan shall be required for all commercial timber cuts and shall include the following:
  - A. property boundaries (or portion pertaining to the commercial timber cut),
  - B. area of the timber cut,
  - C. any structures located within two hundred (200) feet of the timber cut,
  - D. access route(s) to be used during the timber cut.
4. Commercial timber cut in the General Residential (R-1) and Agricultural-Rural Residential (RR) zoning districts is permitted by right, based on a Timber Harvest Plan. It is recommended that the Timber Harvest Plan be prepared by a professional forester.
5. Commercial Timber Cut in the Conservation Recreation District (CR) is permitted subject to Special Use Permit, due to the size of the parcels and character of the area. Commercial Timber Cuts in this district shall be based on the recommendations of an approved Michigan Department of Natural Resources Forest Stewardship or Forest Management Plan, and the extent of the commercial timber cut shall be detailed in a Timber Harvest Plan.
6. Additional recommendations (compliance is encouraged, although not required by this ordinance):
  - Maintain a 25-foot buffer of trees around the property's perimeter
  - Utilize selective cut methods to maintain the scenic characteristics of the Township.
  - Clear cut method should be only done based on a professionally prepared forestry plan for the property.
  - Conduct timber cut activities during winter and summer, avoiding spring and fall, to minimize damage and erosion risks.